

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Deborah Hubbard,

Plaintiff,

v.

Brian Stirling, Dr. Lee, Dr. Paul Krischenfield,  
Dr. John McCree, Dr. Sadia Rafi, Mrs. Jones,

Defendants.

Case No.: 8:21-cv-00342-SAL

**OPINION AND ORDER**

This matter is before the Court for review of the April 22, 2021 Report and Recommendation (“Report”) of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 26]. In the Report, the Magistrate Judge recommends that Plaintiff’s motion to proceed in forma pauperis be denied. *Id.* The Magistrate Judge also recommends that Plaintiff be given twenty-one (21) days from the date of this order to pay the filing fee of four hundred and two (\$402) dollars and that the Clerk of Court withhold entry of judgment until such time for payment expires. *Id.* No party filed objections to the Report, and the time to do so has passed. *See id.*

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the Court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4<sup>th</sup> Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the Court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, Plaintiff’s motion to proceed in forma pauperis, ECF Nos. 9, 21, is DENIED. Plaintiff has twenty-one (21) days from the date of this order to pay the filing fee of four hundred and two (\$402) dollars. The clerk is ORDERED to withhold entry of judgment until such time for payment expires. If Plaintiff timely pays the filing fee, this action will be recommitted to the Magistrate Judge for further initial review. If Plaintiff fails to pay the filing fee within the specified time period, the complaint will be dismissed without prejudice under the three strikes rule of 28 U.S.C. § 1915(g), and the Clerk of Court will enter the required final judgment at the close of the twenty-one (21) day period permitted for payment of the filing fee.

IT IS SO ORDERED.

June 8, 2021  
Florence, South Carolina

/s/Sherri A. Lydon  
Sherri A. Lydon  
United States District Judge